

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

JEFFREY B. SCHENK (CASBN 234355)
Assistant United States Attorney

150 Almaden Boulevard
San Jose, California 95113
Telephone: (408) 535-2695
Facsimile: (408) 535-5066
Email: jeffrey.b.schenk@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
DAVID LOUIS BEHAR,
LINDSAY ROBIN HOGUE,
TARA BERGSTRAND, and
JOHN ROGER LAGACE,
a/k/a Brandon Draper,
Defendants.

No. CR 08-00088-JW

STIPULATION AND ~~PROPOSED~~ *Proposed*
ORDER EXCLUDING TIME FROM
APRIL 21, 2008 TO APRIL 29, 2008
FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

On April 21, 2008, the parties are scheduled to appear for a hearing before this Court. The government and all defendants request a short continuance of that hearing to allow defense counsels an opportunity to meet with their respective clients, review a proposed disposition, and properly advise their clients. The parties also request an exclusion of time under the Speedy Trial Act based upon the defense counsel's need to effectively prepare by reviewing materials submitted by the government and properly advise their clients. The parties request that the Court set the matter for a hearing on April 29, 2008 at 3:00 P.M.

1 The parties stipulate that the time between April 21, 2008 and April 29, 2008 is excluded
2 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
3 continuance would unreasonably deny defense counsel reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
5 ends of justice served by granting the requested continuance outweigh the best interest of the
6 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
7 U.S.C. §3161(h)(8)(A).

8
9 DATED: April 18, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

10
11 /s/
JEFFREY B. SCHENK
12 Assistant United States Attorney

13
14 /s/
PETER LEEMING
15 Attorney for Mr. Behar

16
17
18 /s/
GEOFFREY BRAUN
19 Attorney for Ms. Hogue

20
21
22 /s/
MANUEL ARAUJO
23 Attorney for Ms. Bergstrand

24
25
26 /s/
JERRY FONG
27 Attorney for Mr. Lagace
28

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing currently scheduled for April 21, 2008 should be continued until April 29, 2008 at 3:00 P.M. Furthermore, the Court HEREBY ORDERS that the time between April 21, 2008 and April 29, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: April 29, 2008



JAMES WARE
UNITED STATES DISTRICT JUDGE